

ENTERED

November 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

**MARGARITA MARTINEZ and
GABRIEL R. MARTINEZ,**

Plaintiffs,

VS.

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, MINNESOTA LIFE INSURANCE COMPANY, TRANSAMERICA INSURANCE COMPANY, IBC BANK and JOHN DOE, \$

Defendants.

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Civil Case No. 7:23-CV-00205

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the October 12, 2023, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 17). Judge Bray made findings and conclusions and recommended that Plaintiff’s Motion for Remand (Dkt. No. 3) be denied and that Defendant IBC Bank be dismissed from the lawsuit. (Dkt. No. 17).

The Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

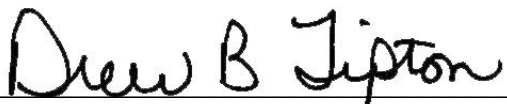
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Judge Bray's M&R (Dkt. No. 17) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff's Motion for Remand (Dkt. No. 3) is **DENIED**; and
- (3) Defendant IBC Bank is **DISMISSED**.

It is SO ORDERED.

Signed on November 13, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE